

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	DNRC Eastern Land Office Administrative Site Easement
Proposed Implementation Date:	Fall 2021
Proponent:	Montana Department of Natural Resources and Conservation TLMD and Forestry Div.
Location:	Tracts DD & FF of Sections 4 & 5 Township 7 North, Range 47 East (Common Schools Trust)
County:	Custer County

I. TYPE AND PURPOSE OF ACTION

The Montana Department of Natural Resources and Conservation Trust Land Management and Forestry Divisions, in coordination with the Eastern Land Office, (hereafter referred to as Proponents) are requesting an easement on these tracts of Trust land for the purpose of an administrative site. The DNRC has received funding from the 2021 Legislature to construct a new office building for the Eastern Land Office. The tracts requested in this easement application were acquired from the USDI-BLM in the 2018 In lieu selection process. The In-Lieu selections were lands that the State selected in lieu of original grant lands not being available to the state due to prior Federal reservation of those lands at statehood. These tracts are adjacent to developed industrial areas of Miles City, making them a logical placement for development.

The Eastern Land Office area has grown and is seeking an efficient and cost-effective area to meet demand for additional space needed for administrative duties. The proponent is seeking an easement to encompass both Tracts DD and FF of Sections 4 and 5 of Township 7 North, Range 47 East as shown in "Exhibit A." The impacted area will affect ± 6.11 -acres.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

A request for public comment was published in the Miles City Star on July 19th and 26th, 2021. Public comment was sought from July 16th through August 16th, 2021.

No comments were received on this project.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

No other permits are required at this time. However, when construction of the building commences, all applicable permits will be acquired prior to construction.

3. ALTERNATIVES CONSIDERED:

Proposed Alternative: Approve the request for an Administrative Site easement upon the ± 6.11 acres of State Trust Land located in T7N-R47E-Sec 4&5 Tract DD and FF to the Montana Department of Natural Resources and Conservation.

No Action Alternative: Deny the request by the Montana Department of Natural Resources and Conservation for the ± 6.11 -acre easement requiring the proponent to find an alternate site for development.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" If no impacts are identified or the resource is not present.*

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

According to the NRCS soil survey, the ±6.11-acre easement site has a soil composition consisting of a Silty/Sandy Havre Loam complex of soils. The underlying bedrock consists mainly of metamorphic rock materials, mainly sandstone and limestone. Soils in these land types are typically fine, sandy textures. Soils in the general area are stable and are not fragile in nature in the proposed easement area. The proposed action will not disturb the bedrock but will disturb surface profile soils during the construction of the administrative site. The area is in an established commercial area where soils have previously been disturbed. The proposed action will have no significant long-term adverse impacts to geology and soil quality, stability is expected as a result of implementing the proposed alternative.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

The proposed site is in the vicinity of the Yellowstone River and the confluence of the Tongue River tributary and the river system's associated riparian/wetland areas. Additionally, there is a semi-permanent freshwater pond on the adjacent tract of land. The proposed easement area is not within any wetland or riparian area and will not disturb any water source. The proposed action is not expected to have a significant adverse impact on water quality, quantity or distribution.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

The proposed location for the Administrative Site easement falls within Airshed Area 10 of the Montana/Idaho Airshed Group definition. No Impact Zones have been identified within Area 10. There may be temporary increase in emissions from heavy equipment that will be used for the construction of the building. The surrounding area is considered commercial zoning and has been developed. The building is for an administrative site and will not produce any hazardous material. By implementing Alternative A, no significant long-term impacts to air quality are expected to occur.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

The land cover is categorically labeled at Great Plains Mixedgrass Prairie and is bordering Great Plains Floodplain areas. Soils typically are shallow in the Great Plains region, resulting in grasses being the dominant species intermingled with forbs. Some of the most plant species which occupy the proposed ±6.11-acre include Western Wheatgrass (*Agropyron smithii*), Crested Wheatgrass (*Agropyron cristatum*), Needle and Thread (*Stipa comata*), Prairie Junegrass (*Koeleria pyramidata*), Blue Grama (*Bouteloua gracilis*). Additionally, a portion of the site has previously been developed into an open-air vehicle compound with a gravel surface and surrounded by chain link security fence.

Potential disruption to the vegetative community within the area of construction could be expected. Disruption would come in the action of storing materials on top of existing vegetation. If significant impacts to the vegetation are noted upon termination of the use of this site, the proponent will be required to reseed the area to a suitable grass mixture determined by ELO field staff. The proponent will be required to monitor and address

any potential noxious weed infestations. No significant long-term adverse impacts to vegetative cover, quantity or quality are expected as a result of implementing the proposed alternative.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

A variety of big game mammals (deer and antelope), small mammals, raptors, and songbirds may traverse the subject sections. The proposed project is to build an administrative site on the ±6.11-acre area. The surrounding area is zoned commercial and has been developed. There are wetland and water sources in the surrounding area and the proposed action could potentially disrupt some wildlife movement patterns in the general area. However, due to the immediate area around the site being established with commercial buildings, the impact will be minimal and no significant adverse impacts to terrestrial, avian and aquatic life and habitats are expected to occur as a result of implementing the proposed alternative.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

A search of the Montana Natural Heritage Program database indicated the following species of concern have been observed with the general area:

- **Swift Fox** (*Vulpes velox*); **Little Brown Myotis** (*Myotis lucifugus*); **Hoary Bat** (*Lasiurus cinereus*); **Long-eared Myotis** (*Myotis evotis*); **Fringed Myotis** (*Myotis thysanodes*)
- **Black-billed Cuckoo** (*Coccyzus erythrophthalmus*); **Yellow-billed Cuckoo** (*Coccyzus americanus*); **Great Blue Heron** (*Ardea Herodias*); **Red-headed Woodpecker** (*Melanerpes erythrocephalus*); **Ferruginous Hawk** (*Buteo regalis*); **Bald Eagle** (*Haliaeetus leucocephalus*); **Bobolink** (*Dolichonyx oryzivorus*); **Loon** (*Gavia immer*); **Veery** (*Catharus fuscescens*); **Clark's Grebe** (*Aechmophorus clarkia*)
- **Greater Short-horned Lizard** (*Phrynosoma hernandesi*); **Spiny Softshell** (*Apalone spinifera*); **Snapping Turtle** (*Chelydra serpentina*)
- **Blue Sucker** (*Cycleptus elongatus*); **Paddlefish** (*Polyodon spathula*); **Pallid Sturgeon** (*Scaphirhynchus albus*); **Sauger** (*Sander canadensis*); **Sturgeon Chub** (*Macrhybopsis gelida*); **Shortnose Gar** (*Lepisosteus platostomus*); **Sicklefin Chub** (*Macrhybopsis meeki*)

Bat Roosts (Non-cave) have been discovered in the area. There are also potential species of concern that have the possibility of having habitats or being observed in the surrounding area.

While these species may be present in the general project area, no direct or lasting impacts are expected to sensitive species. The surrounding area is an established as urban commercial/industrial use with many developed tracts. The site will remain as urban industrial use.

Fish species of concern have been listed in this Environmental Assessment as they have been identified within 1 mile of the site. However, no disturbance to a water source will occur in the proposed alternative.

Due to the proposed action of granting an easement to build an administrative site in an already developed area, it is not expected to have any significant long-term effect on any of the species identified on or around this parcel.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

A Class III (literature review, pedestrian inventory, and ground penetrating radar study) level review was conducted by BLM archaeologists for the area of potential effect (APE). No evidence of cultural or paleontological resources were identified in the APE. No additional archaeological investigative work will be conducted in response to this proposed development. However, if previously unknown cultural or paleontological materials are identified during project related activities, all work will cease until a professional assessment of such resources can be made.

Copies of the BLM inventory report and ground penetrating radar study are on file with the BLM, DNRC, and MT SHPO.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

The tract is located within a developed industrial area of Miles City. Cumulative affects to aesthetic in the area should be minimal and conform to the developed area.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

No significant adverse impacts to environmental resources of land, water, air or energy are expected to occur as a result of implementing the proposed alternative.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

Upon acceptance of the proposed action, an administrative site will be developed on the tracts of land. The ±6.11-acre site is sufficient enough to meet the current demand and need of space required. In the future, there may be plans to extend, or alter, the easement area depending on future demand.

There are no other known studies or future actions planned for this Trust land parcel.

IV. IMPACTS ON THE HUMAN POPULATION

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| <ul style="list-style-type: none">• <i>RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.</i>• <i>Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.</i>• <i>Enter "NONE" if no impacts are identified or the resource is not present.</i> |
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14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

No significant adverse impacts to human health and safety would occur as a result of implementing the proposed alternative.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

The area of state land that encompasses the proposed action is zoned urban commercial. The surrounding area has been previously developed. By developing these two tracts in a commercial area, the still vacant lots may see some further development in the future. However, no significant adverse impacts to industrial, commercial and agricultural activities and production would occur as a result of implementing the proposed alternative.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

The proposed action has been designed to accommodate administrative needs for the Department of Natural Resources and Conservation. There may be future potential to increase employment to meet demands of both the Trust Lands Management Division and the Forestry Division as needs arise without running into problems of employee placement.

The potential number of positions that could be created is unknown at this time.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

The proposed action will have no adverse impact on tax revenue.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

The implementation of the proposed alternative will not generate any additional demands on governmental services.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

The tracts are located within Custer County and Miles City zoning areas. The current zoning is C-1 Commercial. The proposed alternative complies with the C-1 zoning requirements.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

The proposed action is not expected to cause any significant adverse long-term impacts to access and quality of recreation and wilderness activities.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

No significant adverse impacts to density and distribution of population and housing would occur as a result of implementing the proposed alternative.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

There are no native, unique or traditional lifestyles or communities in the vicinity that would be impacted by the proposed alternative.

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

Implementation of the Proposed Alternative is not expected to have a significant adverse impact on cultural uniqueness or diversity.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

The Common Schools Trust would require the purchase of the administrative site easement upon these tracts of Trust Land. The price of the easement would be set at the established appraised value set in the in-lieu selection of the land of \$16,000.00 per acre per year. Estimated total return to the trust would be \$97,760.00 through the purchase of this easement.

EA Checklist Prepared By:	Name: Joe Holzwarth	Date: 2 September 2021
	Title: Area Planner	

V. FINDING

25. ALTERNATIVE SELECTED:

After review, the proposed alternative has been selected and it is recommended that the State of Montana Department of Natural Resources and Conservation be granted a ±6.11-acre easement on Tracts DD & FF of Sections 4 & 5 Township 7 North, Range 47 East in Custer County. The proposed alternative will allow the Eastern Land Office of the Department of Natural Resources and Conservation to be able to build new administrative site that will house all current employees and allow for future growth. This alternative can be implemented in a manner that is consistent with the long-term sustainable natural resource management of the area.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

The granting of the requested administrative site easement upon these tracts of state-owned trust lands should not result in, nor cause, any significant environmental impacts. The predicted environmental impacts have been identified and mitigation measures addressed in the environmental analysis checklist as well as site specific right-of-way easement terms and stipulations. The proposed action satisfies the trusts fiduciary mandate and ensures the long-term productivity of the land. The potential for significant adverse impacts to the Trust lands listed above are minimal.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

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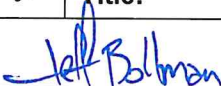
EIS

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More Detailed EA

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No Further Analysis

EA Checklist Approved By:	Name: Jeff Bollman
	Title: Area Manager, Southern Land Office
Signature: 	Date: 9/2/2021

